IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 286 OF 2006.

1. Shri Tulshidas Sajro Naique
Simepurushkar,
s/o Saroj Bisso Naique.

2. Smt. Nayani Tulshidas Naique,
major of age, housewife.
Both r/o of Cobrawada, Calangute,
Bardez, Goa. .... Petitioners.

Versus

Shri Ramchandra Bhalchandra Naik,
major, married,
S/o late Bhalchandra Naik,
Agriculturist,
R/o H. No. 40, Cobrawado,
Calangute, Bardez, Goa. .... Respondent.

Mr. S.D. Lotlikar, Sr. Advocate with Mr. M. D'Souza, Advocate for the Petitioners.

Mr. Dajvip V. Patkar, Advocate for the Respondent.

CORAM: V. C. DAGA, J.

DATE: 24th August, 2006.

ORAL JUDGMENT:

Heard rival contentions.

Perused petition.

2. This petition is directed against the Order dated 10th June, 2006 passed below Exh.16 in Regular Civil Suit No. 5/2006/C whereby

production of the documents sought to be produced on record by the petitioners/defendants came to be rejected, holding that the documents are irrelevant and do not pertain to the suit property.

3. The learned counsel appearing for the petitioners, submits that the impugned order suffers from complete non-application of mind on the part of the court below and suffers from serious error of law. He submits that the documents sought to be produced on record are very much relevant to decide the issues involved in the suit.

4. The above submission is made good by the learned counsel appearing for the petitioners relying upon the very same documents wherein the details of the property given resembles with the suit property bearing Survey No. 210/15. The petitioners, thus, could successfully connect these documents with the suit property which is survey No.210/15.

5. In the above view of the matter, the finding recorded by the court below that the documents sought to be produced on record were irrelevant is unsustainable in law. The impugned order thus cannot stand the scrutiny of law as such the same is liable to be set aside.

6. The petitioners are allowed to file these documents on record. The trial Court is directed to take the documents on record.

7. In the result, impugned order is set aside.

Petition is accordingly allowed. Rule is made absolute. No order as to costs.

V. C. DAGA, J.

sl.